

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Closed Captioning of)	
Video Programming)	CG Docket No. 05-231
)	
Telecommunications for the Deaf, Inc.)	
Petition for Rulemaking)	

**Initial Regulatory Flexibility Analysis
Comments**



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I. Introduction.

The American Cable Association (“ACA”) submits these comments in response to the Initial Regulatory Flexibility Analysis (“IFRA”) appended to the Commission’s Notice of Proposed Rulemaking (“*TDI NPRM*”).¹

The modifications to current regulations proposed by Telecommunications for the Deaf, Inc. (“TDI”) would impose unnecessary and substantial administrative burdens on many small and medium-sized cable companies. To address the special circumstances of small cable companies, ACA proposes the following:

- Small and medium-sized cable companies should not be required to file compliance reports.
- Small and medium-sized cable companies should not be made responsible for monitoring and maintaining closed captioning signals.
- The Commission should decline to adopt additional closed captioning complaint procedures.

American Cable Association. ACA is a trade association serving the cable television industry. ACA represents nearly 1,100 independent cable companies that serve about 8 million cable subscribers, primarily in smaller markets and rural areas. ACA member systems are located in all 50 states and in virtually every congressional district. The companies range from family-run cable businesses serving a single town to multiple system operators that focus on serving smaller markets. More than half of ACA’s members serve fewer than 1,000 subscribers. All ACA members face the

¹ *In the Matter of Closed Captioning of Video Programming Telecommunications for the Deaf, Inc., Petition for Rulemaking, Notice of Proposed Rulemaking*, FCC 05-142, CG Docket No. 05-234, (rel. July 21, 2005), Appendix B, Initial Regulatory Flexibility Analysis.

special challenge of complying with excessive administrative burdens with the limited resources available to small system operators.

II. Relief Requested.

A. Small and medium-sized cable operators should not be required to file compliance reports.

ACA proposes that the Commission decline to adopt the request for the filing of compliance reports.² The current regulations allowing operators to rely on certification of compliance from networks and broadcasters have resulted in a high level of compliance.³ Cable operators do not control the quality or content of the closed captions. As more fully explained in ACA's Comments, the costs of monitoring the signals as delivered by the networks and broadcasters far exceeds the benefits of any compliance reports filed by cable operators.

B. Small and medium-sized cable operators should not be responsible for monitoring closed captioning signals.

ACA proposes that the Commission decline to adopt TDI's request requiring that cable operators monitor closed captioning signals.⁴ Each cable operator is responsible for maintaining its equipment and delivering high quality signals to its subscribers (including line 21 closed captioning material).⁵ Cable operators play no role in creating

² *Id.* at ¶ 43.

³ See ACA Comments at 2-3.

⁴ *TDI NPRM* at ¶ 25.

⁵ *Id.* at ¶ 24.

that signal.⁶ Requiring small and medium-sized cable operators to monitor the content of signals would be unduly burdensome.

C. There is no basis for changing current complaint procedures and regulations.

ACA proposes that the Commission decline to adopt additional closed captioning complaint procedures.⁷ TDI's request for a modified complaint procedure to guard against the potential for unreasonable delay does not support imposing additional administrative burdens and costs on small and medium-sized cable operators.⁸ ACA members have existing processes to receive and respond to consumer questions and complaints. There is no evidence that these existing mechanisms are not sufficient to address closed captioning complaints. The Commission should, therefore, exempt small and medium-sized cable operators from any standardized complaint procedure.

III. Conclusion.


Small and medium-sized cable companies provide valuable services to all members of their communities, including those who depend on closed captioning. The record shows that the existing rules protect the interests of these consumers. The proposed rule changes would result in substantial administrative burdens and costs, without any demonstrable benefit to the public. The Commission should decline to adopt the proposed rule changes.

⁶ See ACA Comments at 2 (noting that most programming agreements specifically prohibit cable operators from modifying the signal as received at the headend).

⁷ *TDI NPRM* at ¶ 31.

⁸ ACA Comments at 3 (noting that as of the time of filing no closed captioning complaints had been received by any ACA member).

Respectfully submitted,

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